

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Flachmann, et al.

Confirmation No.: 8274

Application No.: 10/524647

Group Art Unit: 1657

Filed: February 17, 2005

Examiner: Ralph J. Gitomer

For: USE OF ASTAXANTHIN-CONTAINING PLANTS
OR PARTS OF PLANTS OF THE GENUS TAGETES
AS FEEDSTUFFS

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 31, 2007, Applicants hereby provisionally elect Group I, claims 12-13, drawn to a method for producing animal feed preparations, with traverse. The Applicants believe that there is no undue burden on the Examiner to search this invention.


Furthermore, unity of invention was found during the International stage. As shown in the International Preliminary Examination Report and International Search Report, all claims were searched and examined together. Thus, application of PCT Rules 13.1 and 13.2 by the International Examiners shows that unity exists. Since the search has already been conducted by the International Search Authority and the International Examination Authority and no lack of unity of invention has been found, for this additional reason, there would be no undue burden on the Examiner to examine all Groups in one application.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of this restriction requirement.

Applicants reserve all rights to pursue the non-elected species in one or more divisional application, if necessary.

Applicants are submitting their response within the one-month response period. No fee is believed due. However, if any fee is due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 13173-00004-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski, Ph.D.

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicants